

## **PERMANENT PUBLIC TRAIL EASEMENT**

### **KNOW ALL MEN BY THESE PRESENTS:**

That we, the undersigned, Jason Heiden and Julie Price, of the City of Ankeny, County of Polk, State of Iowa, hereinafter referred to as "Grantor", in consideration of the sum of one dollar (\$1.00), and other valuable consideration, in hand paid by the City of Ankeny, Iowa, receipt of which is hereby acknowledged, do hereby sell, grant and convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa, hereinafter referred to as "Grantee", a permanent easement under, through, and across the following described real estate:

**A TRAIL EASEMENT LOCATED IN LOT 37, CHERRY GLEN ESTATES PLAT 2, AN OFFICIAL PLAT, CITY OF ANKENY, POLK COUNTY, IOWA WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

### **THE WESTERN 12 FEET OF LOT 37 CHERRY GLEN ESTATES PLAT 2**

That the above described easement is granted unto the City of Ankeny, Iowa, for the purpose of construction, installation and maintenance of the following public improvements:

### **8' PUBLIC TRAIL**

That the said City of Ankeny shall have the right to enter upon said property as shall be necessary to construct, reconstruct, inspect, repair, operate, maintain and service said improvements, and shall have the right to use as much of the above described real estate as may be necessary but for no other use or purpose whatsoever. It is further agreed that no permanent improvement shall be built or placed upon the above described real easement, and that if such improvements are built or constructed, in violation of this easement, the City of Ankeny shall in no way be responsible for any damages thereto resulting from the construction, reconstruction, maintenance or repair of the aforesaid improvements.

That the Grantor does hereby covenant with the said Grantee, and successor-in-interest, that said Grantor holds said real estate by title and fee simple; that it has good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever, except as may be herein stated; that said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be herein stated.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 10<sup>th</sup> day of June, 2010.

Jason Heiden

Julie Price

STATE OF IOWA, COUNTY OF POLK, ss:

On this day of <sup>10<sup>th</sup></sup> June, 2010, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jason Heiden and Julie Price, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Patricia A. Kuhn  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

